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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,621	05/10/2001	Kenneth Brakeley Welles II	0391999515-0	4659

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT PAPER NUMBER

2635

3

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,621

Applicant(s)

WELLES ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**EXAMINER'S RESPONSE**

1. In response to the application filed 5-10-01, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 102 & 103***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to

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point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Crimmins (US 5917425). Crimmins discloses a location system with a plurality of room transmitters 14.1-14.6 transmitting room codes to a plurality of tags 22.1-22.4 with receivers 24.1-24.4 and transmitters 26.1-26.4 to send room codes and tag codes to central receiver 46. See fig. 1.

6. Claims 1-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuller (US 5694453). Fuller discloses a location system with a plurality of room transmitters 12 transmitting room codes to a plurality of tags 11 with receivers and transmitters to send room codes and tag codes to central receiver 9. See fig. 1.

7. Claims 10-14, 19-23, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crimmins (US 5917425) or Fuller (US 5694453) as applied above in combination with Lester '265 (US 3805265), Curtin (US 3657715), Peters (US 3590271) or Beghelli (US 5459450). If the PLC and/or room transmitter housing is not clear from Crimmins or Fuller then it would have been obvious in view of the PLC housing of Lester '265, Curtin, Peters or Beghelli as a convenient manner to place and power the

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room transmitter.

8. Claims 15-17, 24-26, 29-46, 38, 41-46, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crimmins (US 5917425) or Fuller (US 5694453) as applied above in combination with Lester '265 (US 3805265) or Aires (US 4649385). If the secondary receiver is not clear Crimmins or Fuller then it would have been obvious in view of Lester '265 or Aires for two way communication to relay signals and locate a tag. Synchronization and different frequencies are well known to avoid collision or interference. Location by time offset is standard in the radar art.

9. Claims 36-37 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crimmins (US 5917425) or Fuller (US 5694453) as applied above in combination with Cannon (US 5689238)). If the reference tag is not clear Crimmins or Fuller then it would have been obvious in view the marker tag of Cannon to assist in locating a tag.

10. Claims 2, 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crimmins (US 5917425) or Fuller (US 5694453) as applied above in combination with Lester '329 (US 3739329) or Carroll (US 4549264). If output for indicating location is not clear Crimmins or Fuller then it would have been obvious in view the display of Lester '329 or Carroll to provide

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location indication for tracking or auditing.

11. Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crimmins (US 5917425) or Fuller (US 5694453) as applied above in combination with Beigel (US 5214409) or Pauley (US 4918432). If output for telemetry is not clear Crimmins or Fuller then it would have been obvious in view Beigel or Pauley for monitory such as to detect tag removal or tampering.

#### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akerberg (US 4347501) discloses an alarm system with location transmitters.

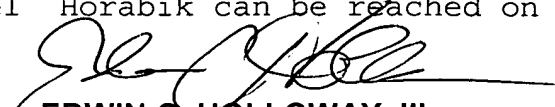
#### **CONTACT INFORMATION**

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH  
10/1/03

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
ART UNIT 2635